



Petition Number: 1504-SPP-08 & 1504-ODP-09

Subject Site Address: West side of Tomlinson Road, south of 199th Street

Petitioner: Drees Premier Homes by HWC Engineering

Request: Primary Plat and Overall Development Plan review for **Windsor Estates** consisting of 26 single-family lots, and associated waivers.

Current Zoning: SF2: Single-Family Low Density District

Current Land Use: Vacant

Approximate Acreage: 24.5 acres+/-

Exhibits:

1. Department Report
2. Location Map
3. Primary Plat
4. Overall Development Plan

Property History:

0602-REZ-01	Change of Zoning Ordinance 06-19 (04/10/06)
0708-DP-12	Development Plan (withdrawn)
0708-SPP-03	Primary Plat (withdrawn)

Staff Reviewer: Jesse M. Pohlman, Senior Planner

PROCEDURAL

Approval of a Primary Plat and Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

PROJECT OVERVIEW

The 24.5-acre +/- site is located on the west side of Tomlinson Road, south of 199th Street (see **Exhibit 2**), and is currently undeveloped. The request is for approval of a Primary Plat (see **Exhibit 3**) and Overall Development Plan (see **Exhibit 4**) (collectively, the "plans") for a twenty-six (26) lot single-family residential subdivision.

The property is zoned the SF2: Single-Family Low Density ("SF2") District, pursuant to Ordinance No. 06-19, adopted by the Council on April 10, 2006, with commitments. The property was zoned SF2 in 2006 as part of a larger 41.7-acre +/- parcel.

A primary plat and development plan for the overall 41.7 acres +/- was filed in 2007 for 61 single-family residential lots; however, the primary plat and overall development plan were subsequently withdrawn. The 41.7 acres has since been split into the subject 24.5-acre parcel and an adjacent 15.3-acre +/- parcel located along the southwest corner of the property.



The petition was reviewed by the Technical Advisory Committee at its March 24, 2015, meeting. The public hearing for the petition was held at the Plan Commission's April 20, 2015, meeting.

Commitments: The Petitioner has also filed a request to modify the commitments (see Petition No. 1505-ZC-01). The modified commitments were introduced at the April 13, 2015, Council meeting, and the public hearing was held at the Plan Commission's April 20, 2015, meeting. The review comments herein include the proposed modified commitments.

Subdivision Control Waivers: As further noted herein, the Petitioner is requesting two (2) subdivision control waivers for the following standards:

Article 8.1 Block Standards: The maximum length of a block¹ in a single-family residential Subdivision shall not exceed one thousand two hundred and fifty (1,250) feet; except where an Internal Street or Frontage Road parallels an Expressway or Arterial.

Article 8.9(G)(3)(a) Street and Right-of-Way Standards; Improvement Standards; Cul-de-sac Design; Maximum Length: Maximum Length: 600 feet, measured along the centerline from the intersection at origin to the center of the circle. Where a cul-de-sac extends from another cul-de-sac or dead-end street, the total maximum length of both streets shall not exceed this maximum.

The requested length of the block and cul-de-sac, as measured from the centerline of Tomlinson Road to the center of the cul-de-sac is 1,285 feet.

Pursuant to Article 7.3(C) of the UDO, the Plan Commission, in its discretion, may grant a waiver from standards required by CHAPTER 8: DESIGN STANDARDS of the UDO. Such waiver shall be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards. As a condition of granting a waiver, a commitment may be made in accordance with Article 10.6 Commitments of the UDO. A waiver may only be granted upon finding that:

1. The proposed development represents an innovative use of site design, site access design, site circulation design, building orientation, building materials, and landscaping which will enhance the use or value of area properties.
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
3. The strict application of the Ordinance standard will result in a development of the real estate which is undesirable when compared with the proposed development.
4. The proposed development is consistent with and compatible with other development located in the area.
5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.

¹ Chapter 12 of the UDO defines "block" as "[a]n area of land bounded by Streets or by a combination of Streets and public land, Rights-of-way, Common Area, railroad rights-of-way, waterways, or any other barrier to the continuity of development."

PRIMARY PLAT STANDARDS (Article 10.12(J) of UDO)

The plans comply.

- 1) Proposed name of subdivision.
- 2) Names and addresses of the owner, owners, land surveyor or land planner.
- 3) Title, scale, north arrow and date.
- 4) Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.
- 5) Easements (locations, widths and purposes). (Article 8.3)
- 6) Statement concerning the location and approximate size or capacity of utilities to be installed.
- 7) Layout of Lots (showing dimensions, numbers and square footage). (Article 4.5)
- 8) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
- 9) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).
- 10) Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
- 11) Building setback lines. (Article 4.5)
- 12) Legend and notes.
- 13) Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.
- 14) Other features or conditions which would affect the subdivision favorable or adversely.
- 15) A National Cooperative Soil Survey Map showing the soil limitations based upon the intended usage of the development land.
- 16) A statement from County departments, State highway departments, or the Public Works Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.
- 17) If private sewage systems, then a statement from the County Health Officer whether private septic system can be used on the property.
- 18) If legal drain is involved, then a statement from the County Drainage Board or County Surveyor's Office concerning easements, right-of-way, permits, etc.
- 19) If floodplain is involved, then a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including floodplain high water marks, etc.

DEVELOPMENT PLAN (Article 10.7(G) of the UDO):

The plans comply.

- 20) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.
- 21) Address and legal description of the property.
- 22) Boundary lines of the property including all dimensions.
- 23) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.
- 24) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.
- 25) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.
- 26) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.
- 27) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.
- 28) Layout, number, dimension and area (in square feet and acres) of all Lots and Outlots with Building Setback Lines.
- 29) Location and dimensions of all existing structures and paved areas.
- 30) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).
- 31) Location of all Floodplain areas within the boundaries of the property.
- 32) Names of legal ditches and streams on or adjacent to the site.
- 33) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
- 34) Identify buildings proposed for demolition.
- 35) Areas of the property reserved for Development Amenities, Open Space and other similar uses.
- 36) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).

DEVELOPMENT PLAN REVIEW (Article 10.7(E) of the UDO):

Development Plans shall comply with and be reviewed by the Plan Commission upon finding that the Development Plan is in compliance with the following requirements:

- 37) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 38) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- 39) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
 - a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
 - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
- 40) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

DISTRICT STANDARDS

The plans comply with Article 4.5 (SF2 District), as applicable.

- 41) Minimum Lot Area: 15,000 square feet
- 42) Minimum Lot Frontage: 50 feet
- 43) Minimum Building Setback Lines:
 - a) Front Yard: 30 feet
 - b) Side Yard: 12 feet
 - c) Rear Yard: 30 feet
- 44) Minimum Lot Width: 100 feet

DEVELOPMENT STANDARDS (Chapter 6 of UDO)

The plans comply, as applicable to a Primary Plat and Overall Development Plan.

45) Architectural Standards (Article 6.3)

a) Perimeter Lots (Article 6.3(C)(1))

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home, as it applies to Lot 1 and Lot 26.

b) Streetscape Diversity (Article 6.3(C)(2)). At minimum of two (2) of the following three (3) design objectives shall be met:

Comment: The proposed plan does not incorporate (ii) below. As a result, compliance with (i) and (iii) below will be reviewed by the Department at the time of the building permit review for each individual home.

i) The front façade of a front-load garage shall be recessed from the Front Building Facade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Facade oriented toward the Street, shall also meet this objective.

ii) Building Setback Lines shall vary within each Block to eliminate monotonous building placement. Front Yard Building Setback Lines should be staggered to allow a range of six (6) feet offset within the Block and have a minimum variation of two (2) feet increments from adjacent Lots. Staggered Building Setback Lines may not be required to meet this standard where winding streets or a similar development design achieve the same effect.

iii) Single-Family Dwellings located on adjacent Lots with a Front Lot Line abutting the same Street shall, at the time of the issuance of the Certificate of Occupancy:

(1) Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials) than the adjacent Lot. Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan;

(2) Have a different primary siding color than the adjacent Lot; and

(3) Have a different color from the adjacent Lot for at least one (1) of the following exterior elements: Masonry Material, the trim, any accent siding (e.g., board and batten, shake).

c) Building Materials (Article 6.3(C)(3))

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

46) Building Standards (Article 6.4)

47) Landscaping Standards (Article 6.8)



- a) Detention and Retention Areas
- b) Street Trees
- c) Minimum Lot Landscaping Requirements

Comment: Common Areas comply. Individual Lot landscaping will be reviewed at the time of the building permit review for each individual home.

- d) External Street Frontage Landscaping
- e) Buffer Yard Requirements

48) Lot Standards (Article 6.10)

49) Setback Standards (Article 6.16)

50) Vision Clearance Standards (Article 6.19)

51) Yard Standards (Article 6.21)

DESIGN STANDARDS (Chapter 8 of UDO)

The plans comply except for those items identified as outstanding below:

52) Block Standards (Article 8.1): The maximum length of a block in a single-family residential Subdivision shall not exceed one thousand two hundred and fifty (1,250) feet; except where an Internal Street or Frontage Road parallels an Expressway or Arterial.

Comment: The Petitioner is requesting a subdivision control waiver to exceed the maximum block length. The proposed length is 1,285 feet, as measured from the centerline of Tomlinson Road to the center of the cul-de-sac.

53) Easement Standards (Article 8.3)

54) Monument and Marker Standards (Article 8.5)

55) Open Space and Amenity Standards (Article 8.6)

Comment: A minimum of 8 percent (1.96 acres of the overall 24.5 acres) of Open Space is required. Plans comply as the proposed Common Area is estimated at 11.8 acres +/- and all Common Area acreage appears to qualify as Open Space.

- a) Access: A public way, crosswalk or easement not less than fifteen (15) feet in width shall be provided for access to required Open Space.
- b) Connectivity: Open Space, where applicable, shall be placed adjacent to or connected to existing or proposed Open Space located within the development and/or on adjoining properties. Open Space should be located within reasonable walking distance to those uses it serves, with the exception of preservation of existing features.
- c) Qualifying Site Features:

- i) A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements that existed prior to the development of the property (e.g., gas or oil pipelines, transmission lines), legal drains and equivalent land, as determined by the Plan Commission or Director.
- ii) Detention and Retention Areas may only qualify as Open Space if they comply with Article 6.8 Landscaping Standards and if such areas are located and designed for the use and benefit of the public as an amenity to the development.
- iii) Required Buffer Yards, External Street Frontage landscaping areas, and tree preservation areas, as set forth in Article 6.8 Landscaping Standards, may qualify towards required Open Space if placed within common areas or recorded preservation or conservation easements.

56) Pedestrian Network Standards (Article 8.7)

57) Storm Water Standards (Article 8.8)

58) Street and Right-of-Way Standards (Article 8.9)

Article 8.9(G)(3)(a) Street and Right-of-Way Standards; Improvement Standards; Cul-de-sac Design; Maximum Length: Maximum Length: 600 feet, measured along the centerline from the intersection at origin to the center of the circle. Where a cul-de-sac extends from another cul-de-sac or dead-end street, the total maximum length of both streets shall not exceed this maximum.

Comment: The Petitioner is requesting a subdivision control waiver to allow a cul-de-sac with a length of 1,285 feet (as measured from the centerline of Tomlinson Road to the center of the cul-de-sac). In the Plan Commission's consideration of the requested waivers, please note that in working with the Department, Public Works Department, and Fire Marshal, that the Petitioner is proposing an enhanced pedestrian path along the real estate's south property line to provide a second ingress/egress for emergency response purposes, as well as pedestrian connectivity. In addition, please note Article 8.9(F)(3) Connectivity of the UDO, which reads:

"Streets shall align and connect with existing or planned streets and provide for connections with adjacent property. Proposed streets, where appropriate, shall be extended to the boundary line of the tract to be developed so as to provide for normal circulation of traffic within the vicinity. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan. Cul-de-sacs are discouraged and shall only be permitted where such street continuation is prevented due to topography or other physical condition, or unless such extension is found by the Plan Commission to be unnecessary for the coordination of development within the development or between the development and adjoining property."

59) Street Light Standards (Article 8.10)

60) Street Sign Standards (Article 8.11)

61) Surety Standards (Article 8.12)

62) Utility Standards (Article 8.13)

COMPLIANCE WITH COMMITMENTS:

On April 10, 2006, the Council approved the change of zoning for the property to the SF2 District, subject to commitments. The Petitioner has filed a request to modify those commitments (see Petition No. 1505-ZC-01), which received a public hearing at the Plan Commission's April 20, 2015, meeting. As a result, the proposed modified commitments are listed below, and unless otherwise noted, the plans comply with the Commitments applicable at this stage in the review process.

63) The Developer shall have prepared and recorded covenants and restrictions on the Real Estate (the "Covenants"). The Covenants shall include a requirement that the minimum landscaping per home lot shall include (the sizes listed are the minimum sizes at the time of planting):

- a) All Home Lots:
 - i) Ornamental Tree (2" caliper)
 - ii) (4) Spreading Yew (18")
 - iii) (4) Spreading Juniper (18")
 - iv) (1) Dwarf Burning Bush (24")
 - v) (1) Spreading deciduous plant (3 gallon)
 - vi) (2) Broadleaf evergreen plant (2 gallon)
 - vii) Sod in front yard
- b) All Home Lots with a side load garage shall also include the following:
 - i) Broadleaf evergreen bush 18"
 - ii) (2) Spreading deciduous plant 3 gallon
 - iii) (3) Broadleaf evergreen plant
- c) The Developer shall have the right to make substitutions comparable in quality, size and value when necessary.

Comment: This will be reviewed for compliance by the Department at the time of the secondary plat review.

64) The existing trees along the Real Estate's northern property lines shall be preserved within a tree conservation easement ("Easement") as depicted in the photographs attached hereto as Exhibit B. Within the Easement, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased or dead, or required to be removed in order to comply with safety or drainage requirements of any utility or governmental agency. If a Protected Tree is damaged or otherwise removed, except as permitted to be removed as listed above, then the developer, builder or homeowner (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement.

65) The common area, as depicted on the Concept Plan attached hereto as Exhibit C, shall contain a "Wetland Conservancy Area" with a minimum of one (1) acre to be maintained by the Real Estate's homeowners' association. The exact location and maintenance standards for the Wetland Conservancy Area shall be established by the Covenants.

Comment: This will be reviewed for compliance by the Department at the time of the secondary plat review.



- 66) Final construction plans for the Real Estate shall include masonry entry walls substantially similar in character to the photograph attached hereto as Exhibit D.
- 67) The maximum number of homes on the Real Estate shall be twenty-six (26).
- 68) The Minimum Living Area (exclusive of porches, basements, and garages) for homes on the Real Estate shall be as follows:
- a) Single Story: 2,400 square feet
 - b) Two-Story: 2,690 square feet, with a minimum of 1,250 square feet on the first floor

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- 69) Vinyl and aluminum siding shall be prohibited. The Character Exhibit, attached hereto as Exhibit E, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on the Real Estate. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are required to be constructed and that contribute to the development's intent and vision. It is not the intent to limit the architectural styles shown in the Character Exhibit, but to encourage diversity in architectural styles of homes on the Real Estate. The City of Westfield Economic and Community Development Department (the "Department") shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Modification and applicable ordinances. The Department's determination may be appealed to the Plan Commission.

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- 70) All homes shall be a minimum two-car garage. A minimum of thirteen (13) of the homes shall be side, courtyard or rear loaded, as lot configuration and home footprint dictate.

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- 71) A visual tree inventory will be made with photographs of the trees along the perimeter of the Real Estate to identify the quantity and quality of trees to be preserved. Such inventory shall be provided as part the Real Estate's Overall Development Plan and Primary Plat applications to the Department.

DEPARTMENT COMMENTS

- 1) **Compliance:** The Primary Plat and Overall Development Plan comply with the applicable zoning ordinances and the terms of the commitments, as modified, except as otherwise noted herein with regard to the petitioner's requested waivers, as further noted below:
 - a) Increase the maximum length of a block in a single-family residential Subdivision from 1,250 feet to 1,285 feet (as measured from the centerline of Tomlinson Road to the center of the cul-de-sac) (Article 8.1 Block Standards); and
 - b) Increase the maximum cul-de-sac length from 600 feet, measured along the centerline from the intersection at origin to the center of the circle, to 1,285 feet (as measured from the centerline of Tomlinson Road to the center of the cul-de-sac).
- 2) **Waivers:** If the Plan Commission has approved the commitment modification, then the Department recommends approval of the two (2) requested subdivision control waivers, with the following findings (Article 10.6 Commitments of the UDO):
 - a) The proposed development represents an innovative use of site design, site access design, site circulation design, building orientation, building materials, and landscaping which will enhance the use or value of area properties.
 - b) The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
 - c) The strict application of the Ordinance standard will result in a development of the real estate which is undesirable when compared with the proposed development.
 - d) The proposed development is consistent with and compatible with other development located in the area.
 - e) The proposed development is consistent with the intent and purpose of the Comprehensive Plan.
- 3) **Primary Plat / Development Plan Approval:** If the Plan Commission has approved the commitment modification (Petition No. 1505-ZC-01) and the two (2) requested subdivision control waivers, then the Department recommends approving the petition with the following condition:
 - a) All necessary approvals be obtained from the Westfield Public Works Department and the Hamilton County Surveyor's Office prior to the issuance of an improvement location permit.
- 4) If the commitment modification or the waiver requests are not approved, then the plans do not comply with the applicable zoning ordinances. If this occurs, then the Department recommends continuing the petition to the next Plan Commission meeting to allow the petitioner an opportunity to revise the plans to bring them into compliance.
- 5) If any Plan Commission member has questions prior to the public hearing, then please contact Jesse Pohlman at 317.402.4380 or jpohlman@westfield.in.gov.